

## **REMARKS**

Applicant is in receipt of the Office Action mailed September 18, 2003. Claims 1, 7, 9-12, 18-23, 29-35, 38, 39, 42, and 43 were rejected. Claims 3, 5, 6, 14, 16, 17, 25, 27, and 28 were objected to, but the Office Action indicated that these claims would be allowable if written in independent form, including the limitations of their respective independent claims and any intervening claims. Claims 36, 37, 40, and 41 were allowed.

Claims 3, 7, 14, 18, 22, 25, 29, 33, 34, 35, 38, 39, 42, and 43 have been cancelled, and so the rejection of claims 22, 33, 34, 39, and 43 under 35 U.S.C. 112, first paragraph, claim 35 under 35 U.S.C. 102(b), and claims 7, 18, 29, 38, 42, under 35 U.S.C. 103(a) have been rendered moot. Thus, claims 1, 5, 6, 9-12, 16, 17, 19-21, 23, 27, 28, 30-32, 36, 37, 40, and 41 remain pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

As indicated above, independent claim 1 has been amended to substantially include the limitations of claim 3. Similarly, independent claim 12 has been amended to substantially include the limitations of claim 14, and independent claim 23 has been amended to substantially include the limitations of claim 25. Applicant submits that amended claims 1, 12, and 23 are thus rendered allowable, as are claims respectively dependent thereon. Applicant thus respectively submits that claims 1, 5, 6, 9-12, 16, 17, 19-21, 23, 27, 28, 30-32, 36, 37, 40, and 41 are patentably distinct and allowable.

### **Section 102(b) Rejections**

The Office Action rejected claims 1, 12, 23, 35, 9, 10, 11, 19, 20, 21, 30, 31, 32 and 35 under 35 U.S.C. 102(b) as being anticipated by Hoogerhyde et al. (U.S. Patent 5,448,687, "Hoogerhyde"). Applicant respectfully disagrees.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor*

Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant notes that Hoogerhyde teaches “a computer-assisted design apparatus and method for flattening a three-dimensional surface region to a two-dimensional shape in a flat plane or for wrapping a two-dimensional shape to a three-dimensional surface region.” (Abstract). Nowhere does Hoogerhyde teach or suggest, or even mention, conformal or scanning, and specifically does not describe or suggest conformal scanning. Applicant suggests that the Examiner has incorrectly interpreted the word “conformal”, and has apparently considered the term “conform” to be descriptive of Hoogerhyde’s system. However, as clearly described, in the present Application the technical term “conformal” refers to “angle preserving”. Thus, Applicant respectfully submits that Hoogerhyde does not anticipate Applicant’s invention as claimed in claims 1, 12, 23, 35, 9, 10, 11, 19, 20, 21, 30, 31, 32 and 35, and in fact, should not be cited against the present application. Applicant thus submits that claims 1, 12, 23, 35, 9, 10, 11, 19, 20, 21, 30, 31, 32 and 35 are patentably distinct over Hoogerhyde, and thus allowable, for at least the reasons given above.

#### **Section 103(a) Rejections**

The Office Action rejected claims 7, 18, 29, 38, and 42 under U.S.C. 103(a) as being unpatentable over Hoogerhyde et al. (U.S. Patent 5,448,687, “Hoogerhyde”). Applicant respectfully disagrees.

Although these claims were cancelled above, Applicant notes that Hoogerhyde neither teaches nor suggests, nor even mentions, the terms “conformal” or “scanning”, and specifically does not describe or suggest conformal scanning, as mentioned above. Applicant thus submits that it is improper to cite Hoogerhyde in the 103(a) rejection, and that claims 7, 18, 29, 38, and 42 are patentably distinct over Hoogerhyde, and so are allowable for at least the reasons provided above.

As discussed above, Applicant submits that the pending claims are allowable as written. However, in order to expedite processing of the present application, Applicant accepts the allowable subject matter, including claims 1, 5, 6, 9-12, 16, 17, 19-21, 23, 27, 28, 30-32, 36, 37, 40, and 41.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-53101/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☐ Check in the amount of \$            for fees (        ).
- ☐ Other:

Respectfully submitted,

  
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